

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MASSACHUSETTS

_____)	
KELLIE PLACE,)	
)	Civil Action No.
Plaintiff,)	
)	
v.)	COMPLAINT AND DEMAND
)	FOR JURY TRIAL
COLLECTCORP CORPORATION,)	
)	
Defendant.)	
_____)	

**COMPLAINT FOR DAMAGES AND INJUNCTIVE RELIEF AND REQUEST
FOR JURY TRIAL**

INTRODUCTION

1. Kellie Place, an individual consumer, brings this action for damages against Collectcorp Corporation for violations of the Fair Debt Collection Practices Act, 15 U.S.C. § 1692, *et seq.* (hereinafter "FDCPA"), which prohibits debt collectors from engaging in abusive, deceptive, and unfair practices.

JURISDICTION

2. Jurisdiction of this Court arises under 15 U.S.C. § 1692k (d).

PARTIES

3. Plaintiff, Kellie Place, is a natural person residing in Sutton, Massachusetts, who received communications from Collectcorp Corporation while its agents were attempting to collect a debt.

4. Defendant, Collectcorp Corporation ("Collectcorp"), is a Delaware corporation engaged in the business of collecting debts within this state and nationally, with its

principal place of business located at 455 North 3rd Street, Suite 260, Phoenix, AZ 85004. Collectcorp's registered agent is C T Corporation System located at 155 Federal Street, Suite 700, Boston, MA 02110. One of Collectcorp's primary purposes is the collection of debts using the mails and telephone, and Collectcorp regularly attempts to collect debts alleged to be owed or due another.

FACTS

5. Ms. Place currently has a debt with Discover Card, deriving from Ms. Place's husband's job termination, when they began to rely on Ms. Place's Discover Card to satisfy their daily needs.

8. Ms. Place began to have trouble paying her Discover Card bill sometime prior to May 2007.

9. Some time in May 2007, Discover Card contacted Ms. Place directly and offered to arrange a payment plan so she could pay off her debt, but Ms. Place knew she would not be able to afford to pay regularly on a payment plan and so declined to make the arrangements with Discover Card.

10. Some time in July 2007, Ms. Place started receiving phone calls and at least one letter at her home from Collectcorp in reference to her Discover Card debt.

11. Some time in October 2007, an agent or employee of Collectcorp called Ms. Place's office where she worked as a medical assistant, identified himself and informed her that he was collecting a debt she owed to Discover Card.

12. At this moment, just after the Collectcorp agent identified himself and explained his reason for calling, Ms. Place asked him to call her at her home and not at her place of work.

13. The Collectcorp agent continued to ask for repayment of the debt despite Ms. Place's request not to continue the call while she was at work.

14. Ms. Place attempted to explain that the reason she had not been paying on the debt was because of her need to feed her family and pay her mortgage, so as not to lose her home to foreclosure.

15. The Collectcorp agent accused Ms. Place of making excuses and told her that he would call the human resources department at her workplace and have her check attached to satisfy the debt she owed to Discover Card.

16. Ms. Place told the Collectcorp agent that she knew that once she told him he could not call her at work, he was not allowed to call her at work again.

17. The Collectcorp agent began to yell at Ms. Place, admonishing her not to tell him what the law required, and that he was the one who knew about the law, not her.

18. While the Collectcorp agent was yelling at Ms. Place, a second agent came on the line, a woman, who said the same kinds of things the first agent had said: that Ms. Place was just making excuses, that she owed the money to Discover Card, and that they knew the law, not Ms. Place.

19. At this point, the first Collectcorp agent stated that he would end the call with Ms. Place and immediately call the human resources department at Ms. Place's workplace, which he did.

20. When the call came in just a few minutes later, the front desk secretary answered the call, and when the Collectcorp agent identified himself and asked for the human resources department, the secretary informed him that he was not allowed to call there and she hung up on him.

21. Ms. Place was so distraught, humiliated and embarrassed that she was left in tears that day.

22. She was also too upset to continue at work and, after describing the incident in detail to her supervisor, was sent home for the remainder of the day.

23. In November 2007, the Collectcorp agent again called Ms. Place at her place of work and said many of the same things he said in the first phone call: that Collectcorp would attach her paycheck, and that he was the one who knew the requirements of the law, not her.

24. Ms. Place was again humiliated to the point of tears by this call and had to sit in her office crying until she was able to gather herself and return to work.

25. Since October 2007, there are times when Collectcorp has called Ms. Place at her home almost every single day attempting to collect the debt she owes to Discover Card.

CLAIM FOR RELIEF

26. Plaintiff Kellie Place repeats, realleges and incorporates by reference the allegations set forth in paragraphs one through twenty-five above.

27. The actions and omissions of Defendant Collectcorp as set forth above violated the Plaintiffs' rights under the FDCPA. Defendant's violations include, but are not limited to, the following:

a. Collectcorp's insistence on communicating with Ms. Place at her workplace even after she made it known to Collectcorp's agent that talking with him while she was at work was inconvenient, in violation of 15 U.S.C. § 1692c (a)(1);

b. Collectcorp's second call to Ms. Place at her workplace, despite the fact that Ms. Place's receptionist told the Collectcorp agent that he was not allowed to call there again, in violation of 15 U.S.C. § 1692c (a)(3);

c. Collectcorp's agent's use of yelling as a technique to abuse, harass and oppress Ms. Place in connection with the collection of the debt she owed to Discover Card, in violation of 15 U.S.C. § 1692d and 15 U.S.C. § 1692d (2); and

d. Collectcorp's false representation that nonpayment of Ms. Place's debt entitled Collectcorp to attach Ms. Place's wages immediately and without due process of law, in violation of 15 U.S.C. § 1692e (4).

28. As a result of the above violations of the FDCPA, Defendant Collectcorp is liable to the Plaintiff Kellie Place in the sum of Ms. Place's actual damages, statutory damages, and costs, including reasonable attorney's fees.

WHEREFORE, Plaintiff requests that judgment be entered against the Defendant in the amount of:

- (a) actual damages;
- (b) statutory damages pursuant to 15 U.S.C. § 1692k;
- (c) costs and reasonable attorney's fees pursuant to 15 U.S.C. § 1692k;

(d) for such other and further relief as may be just and proper.

DEMAND FOR JURY

Plaintiff Kellie Place hereby demands trial by jury on all triable issues.

THE PLAINTIFF

By her attorney,

Dated: September 5, 2008

/s/ Joel Feldman

Joel Feldman

BBO # 552963

Heisler, Feldman, McCormick

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